

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

SYNCPPOINT IMAGING, LLC,

Plaintiff,

vs.

NINTENDO OF AMERICA INC., et al.,

Defendants.

No. 2:15-cv-00247-JRG-RSP

Nintendo's Post-Hearing Motion to Join  
Karl Hansen and the Pia Firm as Party Defendants

In its Motion for Exceptional Case Attorney's Fees, Nintendo requested that the Pia Firm and Mr. Hansen be joined as parties to this case and that any Section 285 fees award be imposed jointly and severally against them.<sup>1</sup> On June 14, 2018, the Court held a hearing on Nintendo's Motion. The hearing revealed: (1) SyncPoint is the alter ego of Mr. Hansen, and that the corporate veil separating SyncPoint and Mr. Hansen should be pierced; and (2) the Pia Firm was directly and actively responsible for the conduct that made this case exceptional, and therefore, should be jointly and severally responsible for Nintendo's fees associated with this exceptional case.

Therefore, Nintendo respectfully, formally, moves the Court pursuant to Federal Rule of Civil Procedure 19 and the Court's inherent power<sup>2</sup> for an order joining Mr. Hansen and the Pia Firm and imposing any award of attorney's fees jointly and severally against them.

---

<sup>1</sup> Dkt. 290 at 1, 21, 30 (Motion for Attorney's Fees); Dkt. 320 at 8-9 (Reply Brief in Support of Motion); Dkt. 355.

<sup>2</sup> See *Iris Connex, LLC v. Dell, Inc.*, 235 F.Supp.3d 826, 839 (E.D. Tex. 2017).

Dated: June 26, 2018

Respectfully submitted,

By: /s/ Grant Kinsel  
Grant Kinsel

Grant Kinsel (lead attorney)  
CA Bar No. 172407  
Email: gkinsel@perkinscoie.com  
Kyle M. Amborn  
Wash. St. Bar. No. 48340  
Email: kamborn@perkinscoie.com  
Kevin A. Zeck  
Wash. St. Bar No. 41689  
Email: kzeck@perkinscoie.com  
Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101  
Tel: 206.359.3002  
Fax: 206.359.4002

Ryan B. Hawkins  
Ca Bar No. 256146  
Email: rhawkins@perkinscoie.com  
Perkins Coie LLP  
11988 El Camino Real, Suite 350  
San Diego, CA 92130  
Tel: 858.720-5700  
Fax: 858.720-5799

Clyde M. Siebman  
Siebman, Burg, Philips & Smith,  
L.L.P.  
Federal Courthouse Square  
300 N. Travis Street  
Sherman, TX 75090  
Tel: 903.870.0070  
Fax: 903.870-0066  
email: Siebman@siebman.com

*Attorneys for Nintendo Co., Ltd.  
and Nintendo of America Inc.*

**CERTIFICATE OF SERVICE**

I certify that all counsel of record who are deemed to have consented to electronic service are being served this June 26, 2018 with a copy of this document via the Court's CM/ECF system.

/s/ Grant E. Kinsel

Grant E. Kinsel

**CERTIFICATE OF CONFERENCE**

I certify that counsel for Defendants Nintendo of America Inc. and Nintendo Co., Ltd. (collectively, “Nintendo”) complied with the meet and confer requirement in Local Rule CV-7(h), and that the foregoing motion is opposed by Plaintiff SyncPoint Imaging, LLC. The motion is not opposed by Defendant PixArt Imaging, Inc.

I further certify that, on Thursday, February 15, 2018, a personal conference, by phone, concerning the foregoing motion was held between me, Joseph Pia and local counsel for Plaintiff SyncPoint Imaging, LLC, among others. During that conference, I provided the grounds Nintendo contends justify this motion. At that conference, counsel for SyncPoint would not agree to the requested relief sought by the foregoing motion.

A second personal conference, by phone, concerning the foregoing motion was held on Tuesday, February 20, 2018. The participants to this conference were Mr. Pia and me. At this second conference, Mr. Pia and I again discussed the requested relief, but no resolution of the issues raised in this motion was reached. As such, discussions between Nintendo and SyncPoint have conclusively ended in an impasse, leaving an open issue for the court to resolve.

/s/ Grant E. Kinsel

Grant E. Kinsel